2142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4009-23
C# M#

WILLIAMS et al.

TC/A.U. 2142

Serial No. 10/087,995

Examiner: Lin, Kelvin Y.

Filed: March 5, 2002

Date: June 16, 2006

Title: METHOD AND APPARATUS FOR ESTABLISHING A PROTOCOL PROXY FOR A MOBILE HOST TERMINAL IN A MULTIMEDIA SESSION

OIPE IAP3 JUN 16 2006 PATENT & TRADEMARK OFFICE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment **41** previously paid for **41** (at least 20) =	minus highest number 0 x $50.00	$0.00 (1202)/$0.00 (2202) $
Independent claims after amendment **6** previously paid for **6** (at least 3) =	minus highest number 0 x $200.00	$0.00 (1201)/$0.00 (2201) $
If proper multiple dependent claims now added for first time, (ignore improper); add		$360.00 (1203)/$180.00 (2203) $
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)		One Month Extension $120.00 (1251)/$60.00 (2251) Two Month Extensions $450.00 (1252)/$225.00 (2252) Three Month Extensions $1020.00 (1253/$510.00 (2253) Four Month Extensions $1590.00 (1254/$795.00 (2254) Five Month Extensions $2160.00 (1255/$1080.00 (2255) $
Terminal disclaimer enclosed, add		$130.00 (1814)/ $65.00 (2814) $
☐ Applicant claims "small entity" status. ☐ Statement filed herewith		
Rule 56 Information Disclosure Statement Filing Fee		$180.00 (1806) $
Assignment Recording Fee		$40.00 (8021) $
Other:		$
		TOTAL FEE ENCLOSED $ **0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: John R. Lastova, Reg. No. 33,149

Signature: _____

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JUN 16 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WILLIAMS et al. Atty. Ref.: 4009-23; Confirmation No. 4456

Appl. No. 10/087,995 TC/A.U. 2142

Filed: March 5, 2002 Examiner: Lin, Kelvin Y.

For: METHOD AND APPARATUS FOR ESTABLISHING A PROTOCOL PROXY FOR A MOBILE HOST TERMINAL IN A MULTIMEDIA SESSION

* * * * * * * * * * *

June 16, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

Responsive to the Official Action dated March 16, 2006, Applicants respectfully request reconsideration.

All claims now stand rejected for anticipation under 35 U.S.C. 102(e) based on commonly-assigned US Patent Application 2001/0026554 to Holler et al. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference,

then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Holler fails to satisfy this rigorous standard.

Holler describes resource reservation for establishing end-to-end quality of service in a digital communication system without resource reservation signaling over the radio access bearer. The resource reservation protocol signaling on the IP level over the radio access interface is eliminated, and a gatekeeper in the access network assumes the role of a resource reservation protocol proxy on behalf of the mobile terminal.

Claim 1 recites a method implemented in a mobile terminal. The *mobile terminal* "send[s] a request message associated with the multimedia session to the access point requesting a packet access bearer between the mobile terminal and the access point." The *mobile terminal* then "setting an indicator in the request message indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session." So in the claim, it is the *mobile terminal* that determines that it should not participate in the RSVP signaling. The *mobile terminal* requests that the access point function as a communications protocol proxy for the mobile terminal.

It contrast, Holler's gatekeeper 609 makes these decisions—not the mobile terminal 605. The Examiner relies on paragraph 0095 which is reproduced here:

> The terminal 605 requests admission to establish a call using H.225/RAS signalling from the Gatekeeper 609. Since it in this case is an entity running RSVP it also indicates that it has capabilities to reserve resources in the TransportQoS field of the ARQ message. The request is accepted and confirmed by the Gatekeeper 609 which tells the terminal 605, that the terminal shall not use its resource reservation capabilities or alternatively that the Gatekeeper 609 will reserve the necessary resources, in the TransportQoS field of the ACF message.

So Holler's mobile terminal 605 tells the gatekeeper 609 it has the resources for the RSVP reservation: "Since it in this case is an entity running RSVP it also indicates that it has capabilities to reserve resources in the TransportQoS field of the ARQ message." The mobile terminal 605 never requests the gatekeeper 609 to be its RSVP proxy. Instead, it is the gatekeeper 609 in the access point that decides for the mobile terminal 605 that the gatekeeper 609 will take over as the RSVP entity for the terminal 605: "the Gatekeeper 609 which tells the terminal 605, that the terminal shall not use its resource reservation capabilities or alternatively that the Gatekeeper 609 will reserve the necessary resources, in the TransportQoS field of the ACF message." The decision is not made by the mobile terminal 605.

Similar claim language missing from Holler is recited in independent claims 8, 18, 25, and 38. Lacking a feature required by these claims and the claims that depend on them, the anticipation rejection of those claims should be withdrawn.

Regarding claim 35, the Examiner relies on claim 40 of Holler which simply states:

> A computer program product stored on a computer usable medium, comprising a computer readable program for causing a computer, within an entity in the communication system according to any of the claims 15-19, to control an execution of the method according to any of the claims 20-38.

It is not seen how this claim discloses a computer generated data signal that includes

> a Packet Data Protocol (PDP) context activation, creation, modification, or update message for establishing or updating a multimedia session between a mobile terminal and a remote host, the PDP context activation, creation, modification, or update message having plural fields of information including a PDP configuration options (PCO) field that includes an indicator indicating whether the access point should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session.

Any PDP context signaling occurs at step 806 in procedures that are not associated with the gatekeeper's decision to be the RSVP proxy for the mobile terminal. Paragraph 0100 simply states that the mobile terminal must at some point send a PDP context request, but no more is said. There simply is no teaching in Holler of including in the PDP context request "a PDP configuration options (PCO) field that includes an indicator indicating whether the access point should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session."

The application is now in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

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